

E-FILED on January 18, 2007

Annette W. Jarvis, Utah Bar No. 1649
 Steven C. Strong, Utah Bar No. 6340
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

Lenard E. Schwartzter, Nevada Bar No. 0399
 Jeanette E. McPherson, Nevada Bar No. 5423
 SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com

Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR
 Chapter 11

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

BAP No. NV-07-1021

In re:
 USA SECURITIES, LLC,
 Debtor.

**DEBTORS-APPELLEES'
 STATEMENT OF ELECTION
 PURSUANT TO 28 U.S.C §
 158(c)(1)(B) AND FEDERAL RULE
 OF BANKRUPTCY PROCEDURE
 8001(e) TO HAVE APPEAL HEARD
 BY THE DISTRICT COURT**

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Hearing: N/A
 Hearing Time: N/A

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

1 With reference to the Notice of Appeal filed on January 16, 2007 [Docket No. 2434] and
2 the Amended Notice of Appeal filed on January 17, 2006 [Docket No. 2453] by the purported
3 “Lenders Protection Group,” Appellees USA Commercial Mortgage Company, USA Capital First
4 Trust Deed Fund, LLC, USA Capital Diversified Trust Deed Fund, LLC, USA Capital Realty
5 Advisors, LLC and USA Securities, LLC, by and through undersigned counsel, hereby elect
6 pursuant to 28 U.S.C. § 158(c)(1)(B) to have the appeal heard by the United States District Court
7 for the District of Nevada.

8 DATED this 18th day of January, 2007.

9
10 /s/ Jeanette E. McPherson

11 Lenard E. Schwartzer (NV Bar No. 0399)
12 Jeanette E. McPherson (NV Bar No. 5423)
13 SCHWARTZER & MCPHERSON
14 2850 South Jones Blvd., Suite 1
15 Las Vegas, Nevada 89146
16 Email: bkfilings@s-mlaw.com

17 AND

18 Annette W. Jarvis (Utah Bar No. 1649)
19 Steven C. Strong (Utah Bar No. 6340)
20 RAY QUINNEY & NEBEKER P.C.
21 36 South State Street, 14th Floor
22 P.O. Box 45385
23 Salt Lake City, Utah 84145-0385
24 Email: ajarvis@rqn.com
25 Email: strong@rqn.com

26 *Attorneys for Appellees*
27
28

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122